IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9225 of 2005

Between:

1 Dronadula Venkateswarlu, S/o. Randava Chengaiah,
R/O. Pedakondur, Kaligiri Mandal, Nellore District.
2 Jagiri Kondala Rao, S/o. Mala Kondaiah,
R/O. Pedakondur, Kaligiri Mandal, Nellore District.
3 Bolineni Seshsiah Naidu, S/o. Venkata Subbaiah,
R/O. Pedakondur, Kaligiri Mandal, Nellore District.

..... PETITIONERS

AND

1 Pedakodur Tank Water Users Association, Rep. by the Special Officer, Pedakodur, Kaligiri Mandal, Nellore District.
2 The District Collector, Nellore.
3 The Revenue Divisional Officer, Kavali, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in proposing to conduct elections for the 1st respondent Association namely Pedakodur Tank Waters Users Association on 25-4-2005 and 26-4-2005 without publishing the voters list as contemplated under Rule 9 Clause (6) of A.P. Farmers Management of Irrigation Systems (Delineation and Formation of Water Users Association) Rules 2003 and also not informing the Petitioners about the result of the enquiry conducted on 16-4-2005 by the 3rd respondent as illegal, arbitrary and unjust and in violation of the provisions of A.P. Farmers Management of Irrigation Systems Act, 1997 and the Rules framed there under and Article 14 of Constitution of India and consequently direct the respondents to conduct elections for the 1st respondent Association namely Pedakodur Tank Users Association after publishing the voters list as contemplated under Section 9 (6) of A.P. Farmers Management of Irrigation Systems (delineation and formulation of Water Users Association) Rules 2003 subject to the right of the Petitioners to further appeal and pass such other order or further reliefs as this Hon'ble Court deems fit and proper in the interest of justice.

Counsel for the Petitioner:MR.M.VENKATA NARAYANA

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO. 9225 OF 2005.

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ORAL ORDER:

Petitioners seek declaration that the action of the respondents in holding elections for the first respondent Water Users Association on 25.4.2005 pending their appeal as illegal and arbitrary and contrary to the A.P. Farmers' Management of Irrigation Systems (Delineation and formation of Water Users Associations) Rules, 2003.

As seen from the record, the voters' list was published on
21-3-2005 and that the petitioners filed their objections before the District Collector on 28.3.2005 i.e. within seven days as prescribed under the amended Rule 10 of the Rules, for correction of the voters' list, but the same was not considered.

Having regard to the said facts and circumstances, since the petitioners have filed their objections within the time limit, the District Collector is hereby directed to dispose of the objections/appeals preferred by the petitioners before 25.4.2005, in accordance with law.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

21-04-2005

Note:

Issue operative portion of the

Order on wire at party's cost.

B/0 kvsn.

To

1 Pedakodur Tank Water Users Association, Rep. by the Special Officer, Pedakodur, Kaligiri Mandal, Nellore District.
2 The District Collector, Nellore.

3 The Revenue Divisional Officer, Kavali, Nellore District.

4 Two CCs to GP for Revenue, High Court buildings, Hyderabad.

5 Two CD copies.